

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT  
February 2002

**1. Generator as Primary Exporter**

*A hazardous waste generator sends F-listed spent solvents to a recycling facility within the United States. During the recycling process, still bottoms and other by-products are generated. The domestic recycling facility decides to export the by-products to a foreign treatment, storage, and disposal facility (TSDF). Who is subject to the responsibilities of a primary exporter?*

The recycler is the primary exporter. A primary exporter is defined as any person who is required to originate the manifest for a shipment of hazardous waste in accordance with 40 CFR Part 262, Subpart B, or equivalent state provision, which specifies a treatment, storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent (Section 262.51). The initial generator would have designated the domestic facility on the manifest and therefore would not meet the definition of primary exporter. However, while the initial generator does not share the responsibilities of a primary exporter, he may be subject to penalties under RCRA if he knowingly continues to send hazardous waste to a domestic facility that exports the waste without consent of the receiving country (51 FR 28664, 28671; August 8, 1986).